

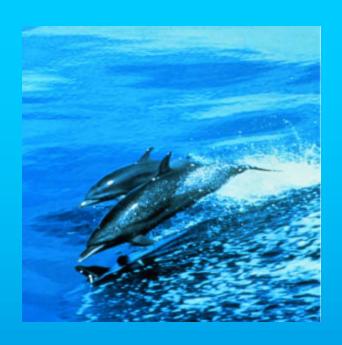
Update on the U.S. Dolphin-Safe Final Finding





Nicole Le Boeuf, National Coordinator, National Marine Fisheries Service (NMFS) Tuna/Dolphin Program

The International Dolphin Conservation Program Act (IDCPA)



- In 1997, the IDCPA was enacted in recognition of the hard work and the ultimate success of the ETP fishery to decrease dolphin mortality.
- The IDCPA supports the efforts of the international fleet and the provisions of the Panama Declaration and the La Jolla Agreement.
- The IDCPA establishes the "affirmative finding" process for nations participating in the AIDCP and the IATTC and requires the Secretary of Commerce to conduct scientific research and make the dolphin-safe determination.

Possible Impacts of Chase and Encirclement on Dolphins



- Due to international efforts, current levels of observed dolphin mortality are considered non-threatening to dolphin stocks.
- However, some are concerned that the practice of chase and encirclement is causing physiological stress to the dolphins and that such stress may be having a significant adverse impact on depleted stocks.
- Therefore, the IDCPA requires that the change in the definition of dolphin-safe be subject to the results of required research.

Dolphin-Safe Determination



Specifically, the IDCPA requires the Secretary to make a determination:

"whether chase and encirclement by the tuna purse seine industry is having a 'significant adverse impact' on any depleted dolphin stock."

 This finding will determine the U.S. dolphin-safe labeling standard for tuna caught in the ETP by large purse seine vessels.

Legal Challenges to the Dolphin-Safe Definition



- In 1999, NMFS' initial finding changed the definition of dolphinsafe.
- Unfortunately, in 2000, a court ruling prohibited NMFS' use of the new dolphin-safe definition, and in 2001, an appellate court upheld the lower court's ruling.

Research Mandated under the IDCPA



- The IDCPA requires: dolphin population abundance surveys and dolphin "stress studies", including a necropsy study, a review of historical demographic and biological data from the affected dolphin stocks, and a chase-recapture experiment.
- This information will form the basis of the Secretary's finding.
- The IDCPA also requires that the Secretary consider scientific information obtained under the IDCP and other relevant information as appropriate.
- The additional information is currently being reviewed and assessed by NMFS for incorporation with the information already in-hand.

Status of IDCPA Research and Analyses



- NMFS has recently completed the required research to support the Secretary's final finding.
- These research efforts will provide substantial additional information for the final finding than was available for the initial finding in 1999.
- Independent peer review of the results and analyses will be completed later this summer.

Organized Decision Process (ODP)



- The ODP is the context in which the Secretary will consider information for the final finding.
- It is designed to provide the Secretary with guidance for assessing and weighing a great deal of technical information.
- The ODP will provide the Secretary with an informed and appropriate decision-making environment.
- NMFS received over 400 substantive comments on the proposed ODP.
- NMFS is incorporating the comments, and the final ODP will be published soon.

Expert Panels



- There will be two panels of independent scientific experts to review information addressing the Ecosystem and the Indirect Effects Questions within the ODP.
- They will provide advice to the Secretary based on a review of the results from the IDCPA research program, information obtained under the IDCP, and other relevant information.
- On May 9, 2002, NMFS solicited nominations for scientists to serve on the two panels.

Time Line to the Final Finding

August 1, 2001 Scientific Consultation with the IATTC and the Marine Mammal Commission (MMC)

December 7, 2001 U.S. Court of International Trade Decision

Oct. 2001 - July 2002 Independent Expert Review of IDCPA Research

January 2002 Distribution of Draft ODP to MMC and the IATTC for Initial Comments

February 15, 2002 Federal Register Notice Regarding the Proposed ODP (60-day comment period)

May 1, 2002 Deadline for Scientific Information for Secretary's Consideration

May 9, 2002 Federal Register Notice Soliciting Nominations for the Expert Panels

June 2002 Update on Final Finding Process at the IATTC Annual Meeting

July 2002 Federal Register Notice of Final ODP

August 2002 Finalizing of IDCPA Science Report

September 2002 Convening of Stress and Ecosystem Expert Panels and Presentation of

Information and Expert Panel Advice to Secretary

September 2002 Target Accelerated Date for Secretary's Final Finding

December 31, 2002 Required Deadline for Final Finding